

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNION PACIFIC RAILROAD COMPANY,)

)

Plaintiff,)

)

8:05CV575

vs.)

)

ORDER

MIKE'S TRAIN HOUSE, INC. d/b/a/ M.T.H.)

ELECTRIC TRAINS,)

)

Defendant.)

This matter is before the court for the *in camera* review of six e-mails recently produced by Union Pacific in partially redacted form. Union Pacific asserted claims of attorney client and work product privilege as to these documents.

The attorney-client privilege is defined in Nebraska as follows:

A client has a privilege to refuse to disclose and to prevent any other person from disclosing confidential communications made for the purpose of facilitating the rendition of professional legal services to the client (a) between himself or his representative and his lawyer or his lawyer's representative, or (b) between his lawyer and the lawyer's representative, or (c) by him or his lawyer to a lawyer representing another in a matter of common interest, or (d) between representatives of the client or between the client and a representative of the client, or (e) between lawyers representing the client.

Neb. Rev. Stat. § 27-503(2). As defined in § 27-503(1)(d), "A communication is confidential if not intended to be disclosed to third persons other than those to whom disclosure is in furtherance of the rendition of professional legal services to the client or those reasonably necessary for the transmission of the communication." A "client" is "a person, public officer, or corporation, association, or other organization or entity, either public or private, who is

rendered professional legal services by a lawyer, or who consults a lawyer with a view to obtaining professional legal services from him." § 27-503(1)(a).

Having reviewed the documents *in camera*, I find and conclude that the redacted information is privileged under Neb. Rev. Stat. § 27-503(2)(d).

IT IS SO ORDERED.

DATED October 2, 2006.

BY THE COURT:

**s/ F.A. Gossett
United States Magistrate Judge**